

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No.: 5:13-CT-03138-BO

JAMES LEWIS SANFORD,)
Plaintiff,)
v.) ORDER
KENNETH LASSITER, et al.,)
Defendants.)

This matter comes before the court on Plaintiff's motion to compel [DE-26], Defendants' motion for extension of time to file dispositive motions [DE-42], and the court's June 18, 2014 show cause order [DE-43]. Defendants have responded to Plaintiff's motion to compel and the court's show cause order [DE-48], and Plaintiff has objected to Defendants' motion for extension of time [DE-49]. For the reasons that follow, Plaintiff's motion to compel will be denied, Defendants' motion for extension of time to file dispositive motions will be allowed, and the July 1, 2014 show cause hearing will be terminated.

BACKGROUND

On June 6, 2013, James Lewis Sanford (“Plaintiff”), an inmate in the custody of the state of North Carolina, initiated *pro se* this action under 42 U.S.C. § 1983 alleging use of excessive force against Defendants. [DE-1]. On frivolity review, the court allowed Plaintiff to proceed with his claims. [DE-7]. On January 21, 2014, Defendants filed an answer [DE-17], and on January 28, 2014, the court entered a Scheduling Order setting a motions deadline of April 28, 2014 [DE-19]. On February 21, 2014, Plaintiff filed requests for production of documents [DE-23] and interrogatories [DE-24], on March 28, 2014, Plaintiff filed requests for admissions [DE-28], and on

April 9, 2014, Plaintiff filed additional requests for production of documents [DE-30]. On February 10, 2014, and April 9, 2014, Plaintiff filed motions to extend the time to complete discovery [DE-22, -29], and on March 20, 2014, Plaintiff filed a motion to compel discovery [DE-26]. On April 28, 2014, Defendants filed a motion to extend the time for filing dispositive motions. [DE-31].

On May 5, 2014, the court entered an order allowing the parties' respective motions for additional time to complete discovery and file motions and deferred ruling on Plaintiff's motion to compel pending a response by Defendants. [DE-35]. The new discovery deadline was May 30, 2014, and motions were to be filed no later than June 13, 2014. *Id.* Plaintiff subsequently filed several motions not at issue in this order. [DE-36, -37, -38, -39, -44, -45, -46]. On June 13, 2014, Defendants filed a second motion for extension of time to file dispositive motions. [DE-41]. On June 18, 2014, the court issued a show cause order based on Defendants' failure to respond to Plaintiff's motion to compel or to seek a protective order, as directed in the court's May 5, 2014 order. [DE-43]. The show cause order further provided that Defendants may attempt to cure the deficiency prior to the show cause hearing and that the court may exercise its discretion to terminate the hearing and rule on the pending motions. *Id.* Defendants subsequently filed a response to the show cause order [DE-48], and Plaintiff filed an objection to Defendants' motion to extend time to file dispositive motions [DE-49].

DISCUSSION

Plaintiff moved for an order compelling Defendants to answer Plaintiff's interrogatories [DE-24] and requests for production of documents [DE-23]. Pl.'s Mot. to Compel [DE-26] at 1-3. Defendants' response to the court's show cause order indicates that Defendants have responded to Plaintiff's requests for admissions [DE-28] and two sets of document requests [DE-23, -30],

producing 543 pages of records and other documents, including videos requested by Plaintiff, interposing only limited objections based on security concerns and relevance [DE-48-2], and Defendants are in the process of finalizing responses to Plaintiff's interrogatories [DE-24]. Defs.' Resp. [DE-48] at 3-4. The court finds that Defendants have cured the deficiencies raised in the court's May 5, 2014 and June 19, 2014 orders by responding to Plaintiff's discovery requests. Accordingly, the motion to compel is denied and the July 1, 2014 show cause hearing is terminated.

Defendants have also requested an extension of the dispositive motions deadline from June 13, 2014, to June 27, 2014. Defs.' Mot. [DE-42] ¶ 5. Plaintiff responded that Defendants have had a year since the case was filed to file a summary judgment motion and have failed to comply with the court's orders. Pl.'s Resp. [DE-49] at 1-3. The initial deadline for filing dispositive motions in this case was April 28, 2014 [DE-19] and the deadline was previously extended to June 13, 2014 [DE-35]. The court finds that allowing a brief extension of 14 days will not unduly delay resolution of this matter or prejudice the Plaintiff. Accordingly, for good cause shown, Defendants' motion to extend the dispositive motions deadline is allowed and motions shall be filed no later than **June 27, 2014**.

CONCLUSION

For the reasons stated herein, Plaintiff's motion to compel [DE-26] is DENIED, Defendants' motion for extension of time to file dispositive motions [DE-42] is ALLOWED, and the July 1, 2014 show cause hearing is TERMINATED.

SO ORDERED, the 25th day of June 2014.



Robert B. Jones, Jr.
United States Magistrate Judge